

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

EDY RODRIGUEZ,

Plaintiff,

v.

AMERICAN CORADIUS
INTERNATIONAL, LLC,

Defendant.

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1331, 1441(b), and 1446, Defendant American Coradius International, LLC ("ACI"), by its attorney, hereby removes this action from the Superior Court of New Jersey, Law Division – Special Civil Part, Middlesex County, to the United States District Court for the District of New Jersey. In support of this Notice of Removal, ACI states as follows:

1. Plaintiff Edy Rodriguez originally commenced this action by filing a Complaint against ACI in the Superior Court of New Jersey, Law Division – Special Civil Part, Middlesex County, where it is presently captioned as *Edy Rodriguez v. American Coradius International, LLC*, Docket No.: DC-016226-12. No further proceedings before the State court have occurred.

2. In the Complaint, plaintiff alleges statutory causes of action against ACI. A true and correct copy of Plaintiff's Complaint is attached hereto as Ex. "A."

3. Plaintiff accuses ACI of violating the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.*

4. ACI was served with Plaintiff's Summons and Complaint on or about September 13, 2012.

5. This Court has federal question jurisdiction over Plaintiff's claim pursuant to 28 U.S.C. §§ 1331 and 1441(b) in that the claims are "founded on a claim or right arising under the . . . laws of the United States . . ."

6. This Notice of Removal is timely, having been filed within thirty (30) days of the date on which ACI was served with Plaintiff's Complaint. See 28 U.S.C. § 1446.

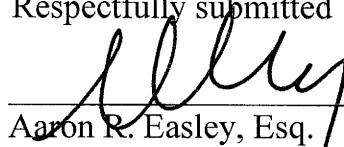
7. Written notice of this Notice of Removal of this action is being immediately provided to the Superior Court of New Jersey, Law Division – Special Civil Part, Union County. *See* Ex. "B."

8. Written notice of this Notice of Removal of this action is being caused to be served on counsel for the Plaintiff.

WHEREFORE, Defendant American Coradius International, LLC gives notice that this action is removed from the Superior Court of New Jersey, Law Division – Special Civil Part, Middlesex County, to the United States District Court for the District of New Jersey.

Dated: October 8, 2012

Respectfully submitted

A handwritten signature in black ink, appearing to read 'A. Easley', is written over a horizontal line.

Aaron R. Easley, Esq.

SESSIONS, FISHMAN, NATHAN & ISRAEL, L.L.C.

200 Route 31 North, Suite 203

Flemington, NJ 08822

Phone: (908) 751-5940

Fax: (908) 751-5944

renders@sessions-law.biz

Attorney for Defendant

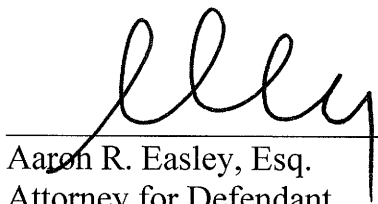
American Coradius International, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of October, 2012, a copy of the foregoing **Notice of Removal to the United States District Court for the District of New Jersey** was served by Federal Express upon the Clerk of the Court and via regular mail upon counsel for Plaintiff at the below address:

Stuart Werbin, Esq.
Benjamin Nazmiyal Law Group, P.C.
209 Main Street, Suite 3A
Fort Lee, NJ 07024
Phone: (201) 377-3403
Facsimile (201) 849-5407
Attorney for Plaintiff
Edy Rodriguez

By:



Aaron R. Easley, Esq.
Attorney for Defendant
American Coradius International, LLC

EXHIBIT “A”

SPECIAL CIVIL PART SUMMONS AND RETURN OF SERVICE - FORM B - PAGE 2

Plaintiff or Plaintiff's Attorney Information:

Name

Benjamin Nazmiyal Law Group, P.C.

Address

2025 Lemoine AveFort Lee, NJ 07024Telephone No (201) 377 - 3403Demand Amount \$ 15000Filing Fee \$ 50Service Fee \$ Attorney's Fees \$ TOTAL \$ 15050

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION, SPECIAL CIVIL PART

MIDDLESEX COUNTYEdy Rodriguez

, Plaintiff(s)

versus

American Coradius International,LLC, Defendant(s)56 Paterson StreetNew Brunswick, NJ 08903(732) 519 - 3200

DC-016226-12

Docket No:

(to be provided by the court)

Civil Action

SUMMONS

(Circle one): ☒ Contract or ☐ Tort

Defendant(s) Information: Name, Address & Phone:

American Coradius International LLC2420 Sweet Home Rd, Ste 150, Amherst, NY 14228

Date Served: _____

BCN# 771 DATE 9/5/12
 CHK/CA/MO# 1336
 FEE \$ 57
 OVP \$
 COPY/SANC \$
 TOTAL \$ 57

Date Served: 09/10/2012

RETURN OF SERVICE IF SERVED BY COURT OFFICER (For Court Use Only)

Docket Number: _____

Date: _____ Time: _____ WM _____ WF _____ BM _____ BF _____ OTHER _____

HT _____ WT _____ AGE _____ HAIR _____ MUSTACHE _____ BEARD _____ GLASSES _____

NAME: _____ RELATIONSHIP: _____

Description of Premises: _____

I hereby certify the above to be true and accurate:

Special Civil Part Officer

Benjamin Nazmiyal Law Group, P C.
209 Main St
Suite 3A
Fort Lee, NJ, 07024
(201) 379-5507 – Telephone
(201) 849-5074 – Facsimile
Attorneys for Plaintiff
Edy Rodriguez

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION SPECIAL CIVIL PART
MIDDLESEX COUNTY**

Edy Rodriguez,
Plaintiff

v

American Coradius International, LLC,
Defendant(s).

Docket No. **DC-016226-12**

PLAINTIFF'S COMPLAINT

**FILED & RECEIVED
MIDDLESEX VICINAGE
1 SEP 05 2012
SPECIAL CIVIL PART**

Stuart Werbin, Esq



Benjamin Nazmiyal Law Group, P.C.
209 Main Street,
Fort Lee, NJ, 07024
(201) 379-5507 – Telephone
(201) 849-5407 – Facsimile

Out of State Certification

Stuart Werbin, of full age, hereby certifies as follows.

1. Defendant American Coradius International, LLC is located at 2420 Sweet Home Rd., Ste 150, Amherst, NY 14228.
- 2 American Coradius International, LLC does not have an address in New Jersey, but is subject to jurisdiction in New Jersey since it does business in the State

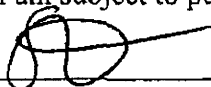
Certification

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date

8/29/12

Signature



Plaintiff, complaining of Defendant(s), states as follows:

COMPLAINT

Introduction

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, *15 U S C § 1692, et seq* (hereafter the "FDCPA"). The FDCPA prohibits debt collectors from engaging in abusive, deceptive, and unfair collection practices

Parties

2. Plaintiff, Edy Rodriguez, is an adult residing in Middlesex County, New Jersey.
3. Defendant American Coradius International, LLC is a business entity regularly engaged in the business of collecting debts in this State with its principal place of business located at 2420 Sweet Home Rd., Ste. 150, Amherst, NY 14228
4. The principal purpose of Defendant is the collection of debts using the mails and telephone, and Defendant regularly attempts to collect debts alleged to be due another.
5. Defendant is a "debt collector" as defined by *15 U S C § 1692a(6)* of the FDCPA.
6. Plaintiff is a "consumer" as defined by *15 U S C § 1692a(3)* of the FDCPA

Factual Allegations

- 7 American Coradius International, LLC attempted to collect a debt allegedly owed by Plaintiff relating to consumer purchases allegedly owed to Citibank.
8. The debt at issue arises out of an alleged transaction which was primarily for personal, family or household purposes and falls within the definition of “debt” for purposes of 15 U.S.C. § 1692a(5).
9. Plaintiff advised American Coradius International, LLC on Nov 15, 2011 that Plaintiff was represented by counsel and demanded that they cease and desist from all direct communications with Plaintiff.
10. Nevertheless, American Coradius International, LLC continued to call Plaintiff directly both at his home and on his cell phone, despite his representation by counsel
- 11 Defendant knew or should have known that its actions violated the FDCPA. Additionally, Defendant could have taken the steps necessary to bring its actions within compliance with the FDCPA, but neglected to do so and failed to adequately review its actions to ensure compliance with said laws
12. At all times pertinent hereto, Defendant was acting by and through its agents, servants and/or employees, who were acting within the scope and course of their employment, and under the direct supervision and control of the Defendant herein.
13. At all times pertinent hereto, the conduct of Defendant, as well as that of its agents, servants and/or employees, was malicious, intentional, willful, reckless,

negligent and in wanton disregard for federal law and the rights of the Plaintiff herein.

Claims for Relief

Plaintiff incorporates the foregoing paragraphs as though the same were set forth at length herein.

The above contacts between Defendant and Plaintiff were "communications" relating to a "debt" as defined by *15 U.S.C. § 1692a(2)* and *1692a(5)* of the FDCPA.

Defendant American Coradius International, LLC violated provisions of the FDCPA, including, but not limited to, the following.

The FDCPA 15 U.S.C. § 1692c(a)2 requires a debt collector to contact the debtor's attorney if the debtor has retained counsel for the purposes of negotiating a debt. American Coradius International, LLC had knowledge that they are obligated to cease direct communication with Plaintiff and direct all future communication to Plaintiff's counsel. Nevertheless, American Coradius International, LLC continued to communicate directly with Plaintiff.

As a result of the above violations of the FDCPA, Defendant is liable to Plaintiff for actual damages, statutory damages which can be up to \$1,000, attorney's fees and costs.

Wherefore, Plaintiff respectfully submits that judgment in the sum of \$15,000 be entered against Defendants for the following

- (a) That judgment be entered against Defendant for actual damages pursuant to 15 U S C § 1692k(a)(1);
- (b) That judgment be entered against Defendant for statutory damages pursuant to 15 U S C § 1692k(a)(2)(A);
- (c) That the Court award costs and reasonable attorney's fees pursuant to 15 U S C § 1692k(a)(3), and
- (d) That the Court grant such other and further relief as may be just and proper

Respectfully submitted,

Benjamin Nazmiyal Law Group, P C.
Attorneys for Plaintiff

Edy Rodriguez

By: 

Stuart Werbin, Esq

August 27, 2012

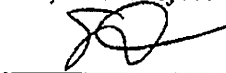
Rule 4:51-1 Certification

The undersigned attorneys for the plaintiff certify that the matter in controversy is not the subject of any other action pending in any Court or a pending arbitration proceeding, nor is any other action or arbitration proceeding contemplated. I certify that confidential person identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7b.

Certification

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: August 27, 2012

Signature: 

Stuart Werbin

EXHIBIT “B”

SESSIONS, FISHMAN, NATHAN & ISRAEL, L.L.C.
200 Route 31 North, Suite 203
Flemington, NJ 08822
Phone (908) 751-5940
Fax (908) 751-5944
Attorneys for Defendant
American Coradius International, LLC

EDY RODRIGUEZ,

Plaintiff,

v.

AMERICAN CORADIUS
INTERNATIONAL, LLC,

Defendant.

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – SPECIAL CIVIL PART,
MIDDLESEX COUNTY**

DC-016226-12

**NOTICE OF FILING OF
NOTICE OF REMOVAL TO THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

TO: Clerk of the Court
Superior Court of New Jersey
Law Division, Special Civil Part
Middlesex County
56 Patterson Street
New Brunswick, NJ 08903

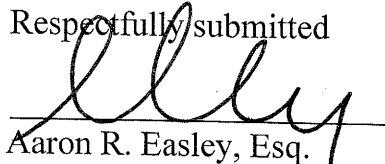
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Benjamin Nazmiyal Law Group, P.C.
209 Main Street, Suite 3A
Fort Lee, NJ 07024
Phone: (201) 377-3403
Facsimile (201) 849-5407
Attorneys for Plaintiff
Edy Rodriguez

PLEASE TAKE NOTICE that this action has been removed to the United States District Court for the District of New Jersey. Attached hereto as Exhibit "A" is a copy of the Notice of Removal filed in the United States District Court effecting such removal.

PLEASE TAKE FURTHER NOTICE that in accordance with 28 U.S.C. § 1446(d), the Superior Court of New Jersey, Law Division – Special Civil Part, Middlesex County, shall proceed no further in this action unless and until the action is remanded by the United States District Court for the District of New Jersey.

Dated: October 8, 2012

Respectfully submitted



Aaron R. Easley, Esq.

SESSIONS, FISHMAN, NATHAN & ISRAEL, L.L.C.

200 Route 31 North, Suite 203

Flemington, NJ 08822

Phone: (908) 751-5940

Fax: (908) 751-5944

aeasley@sessions-law.biz

Attorney for Defendant

American Coradius International, LLC

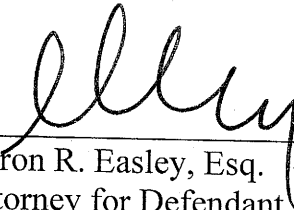
CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of October 2012, a copy of the foregoing **Notice of Filing of Notice of Removal to the United States District Court for the District of New Jersey** was served by Federal Express upon the Clerk of the Court and via regular mail upon the parties at the below addresses:

Clerk of the Court
Superior Court of New Jersey
Law Division, Special Civil Part
Middlesex County
56 Patterson Street
New Brunswick, NJ 08903

Stuart Werbin, Esq.
Benjamin Nazmiyal Law Group, P.C.
209 Main Street, Suite 3A
Fort Lee, NJ 07024
Phone: (201) 377-3403
Facsimile (201) 849-5407
Attorney for Plaintiff
Edy Rodriguez

By:



Aaron R. Easley, Esq.
Attorney for Defendant
American Coradius International, LLC